

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 29, 2007

DIVISION TWO

B196163 People (Not for Publication)
v.
Mizrahi

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B194045 Ronnie Bragg (Not for Publication)
v.
Organic Milling Co.

The summary judgment is affirmed. Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

August 29, (Continued)

DIVISION THREE (continued)

B188472 People (Not for Publication)

V.

Stacey Thomas

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B196403 Raven H., (Not for Publication)

V.

Linda Gamette

The summary judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B193964 Janice Carter (Not for Publication)

V.

Chan's Market Inc.

The judgment is reversed. Appellant shall recover costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

August 29, (Continued)

DIVISION THREE (continued)

B194507 People (Not for Publication)

V.

Shawn Allen Fletcher

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.

Aldrich, J.

DIVISION FOUR

B195176 Los Angeles County, D.C.S. (Not for Publication)

V.

Gladys C.

The orders are affirmed.

Epstein, P.J.

We concur: Willhite, J.

Suzukawa, J.

B188260 Gonzalez (Not for Publication)

V.

Superior Paper and Plastic et al.

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.

Suzukawa, J.

DIVISION FOUR (continued)

B192337 People (Not for Publication)

V.

Perez

The fines imposed pursuant to sections 1202.45 and 1465.8 subdivision (a) (1) are stricken from the abstract of judgment. The finding made pursuant to section 12022.7, subdivision (a) that defendant inflicted great bodily injury in the course of violating section 245, subdivision (a) (2) and the three-year consecutive sentence imposed for that finding are reversed. If the People elect not to retry defendant on the section 12022.7, subdivision (a) allegation within 60 days of the issuance of the remittitur (§ 1382, subd. (a)(2)), the trial court shall prepare and forward to the Department of Corrections an amended abstract of judgment reflecting an indeterminate term of 20 years to life and deleting the two stricken fines. In all other respects, the judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B191607 Wurtzel (Not for Publication)

V.

Marcus & Millichap Real Estate Investment Brokerage Company et al.

The judgment for respondents is affirmed. Respondents shall recover their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

B192177 People (Not for Publication)
v.
Gaines

The judgment is reversed in part with directions. On remand, the trial court must conduct an in camera inspection of the requested peace officer personnel records relating to previously falsified police records, planted evidence, or acts of dishonesty. In any other respect, the judgment is affirmed. If the trial court's inspection on remand reveals no relevant information, the trial court must reinstate the judgment of conviction and sentence, which shall stand affirmed. If the inspection reveals relevant information, the trial court must order disclosure, allow appellant an opportunity to demonstrate prejudice, and order a new trial if there is a reasonable probability the outcome would have been different had the information been disclosed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B193983 People (Not for Publication)
v.
McCarvey

The sentence is reversed and the case is remanded to the trial court. The court is directed to reconsider appellant's *Romero* motion, and to re-sentence him in a manner consistent with the views of this opinion. The superior court clerk is directed to forward an amended abstract of judgment reflecting such changes to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

August 29, (Continued)

DIVISION FOUR (continued)

B181933 BEGL Construction Compan, Inc., et al. (Certified for Partial Publication)
v.
LAUSD
Star Insurance Company

The judgment and orders are affirmed. Each party is to bear its own costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B193501 Alaia (Not for Publication)
v.
Tramontana Group-1, Inc., et al.

The order denying defendants' motion to compel arbitration is affirmed. Plaintiff is to have his costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B193346 Siljan, Inc., et al., (Not for Publication)

v.

Filet Menu, Inc.,

The judgment is reversed. Plaintiffs, Siljan Inc., Gloria's Pupersia, and Sylvia Martinez, are awarded their costs on appeal from defendant, Filet Menu, Inc.

Turner, P.J.

I concur: Kriegler, J.

I concur: Mosk, J. (opinion)

DIVISION SIX

B193652 People (Not for Publication)

v.

Jovel

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B196488 People (Not for Publication)

v.

Cleveland

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

[illegible]

The matter is reversed and remanded for a redetermination of the amount of restitution. In all other respects we affirm.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B194175 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B194576 People (Not for Publication)
v.
Daniels

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

August 29, (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment (CYA commitment order) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B183570 People (Not for Publication)
v.
Escamilla

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

August 29, (Continued)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B188195 People v. Chavez
B194686 People v. Barrett
B192314 People v. Hicks
B193164 People v. Dozier
B194449 People v. Simpson
B191734 People v. Arrington

Argument waived, cause submitted.

B187046 Gibson et al.,
v.
City Of Los Angeles

Merits:

Argued by Sean O. Loneragan for appellants and by Lisa Berger, Deputy City Attorney for respondent. Cause submitted.

B191217 People
v.
Lacefield,

Merits:

Argued by Gerald Peters for appellant and by Gary A. Lieberman, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (continued)

B182898 Jhaveri et al.,
 v.
 Teitelbaum & Los Angeles Coin Company LLC

Merits:
Argued by Gerald M. Serlin for appellants and by Michael A. Brewer for respondents. Cause submitted.

Flier, J. left the bench.

B189898 McCann et al.,
 v.
 Wheeler,

Merits:
Argued by Paul C. Cook for appellants and by Frederick D. Baker for respondent. Cause submitted.

Flier, J. returned to the bench.

Boland, J. left the bench.

B187695 St. Jean,
 v.
 California State Controller,

Merits:
Argued by Susan K. Leach, Deputy Attorney General for appellant and by Mark Patlan for respondent. Cause submitted.

August 29, (Continued)

DIVISION EIGHT (continued)

B190535 People
v.
Clemons

Merits:

Argued by Michael Shultz for appellant and by Robert Schneider, Deputy Attorney General for respondent. Cause submitted.

Court adjourned.

B193054 People (Not for Publication)
v.
Martinez

The case is reversed in part and remanded to the trial court for resentencing on the section 186.22 enhancement. In all other respects the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.